

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**FELIX EDOHO,
APPELLANT
vs.**

**THE BOARD OF CURATORS OF LINCOLN UNIVERSITY,
RESPONDENT**

DOCKET NUMBER WD72990

DATE: MAY 17, 2011

Appeal from:

The Circuit Court of Cole County, Missouri
The Honorable Patricia S. Joyce, Judge

Appellate Judges:

Division Three: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.

Attorneys:

George S. Smith, for Appellant

Kent L. Brown, for Respondents

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

FELIX EDOHO, APPELLANT

v.

THE BOARD OF CURATORS OF LINCOLN UNIVERSITY, RESPONDENT

WD72990

Cole County, Missouri

Before Division Three: Joseph M. Ellis, P.J., Victor C. Howard and Thomas H. Newton, JJ.
Felix Edoho appeals the judgment of the trial court dismissing his petition against the Board of Curators of Lincoln University. Mr. Edoho filed an action for breach of contract action and breach of covenant of good faith and fair dealing against Lincoln University regarding its decision about his salary. The trial court dismissed the petition based on the statute of limitations in section 536.110.1, RSMo Cum. Supp. 2009, and sovereign immunity.

REVERSED AND REMANDED.

Division Three holds:

(1) Where Mr. Edoho's petition did not show on its face and without exception that Lincoln University was an agency, it failed to show that the University's decision regarding Mr. Edoho's salary was a contested case subject to the statute of limitations in section 536.110.1 of the MAPA. The trial court erred in dismissing counts I and II of the petition on that basis.

(2) Where count II of Mr. Edoho's petition for breach of covenant of good faith and fair dealing did not plead a tort action, rather it sounded in contract, the trial court erred in dismissing the count based on sovereign immunity.

Opinion by: Victor C. Howard, Judge

Date: May 17, 2011

<p>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</p>
--